

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 15-20652-05

vs.

HON. GEORGE CARAM STEEH

QUINCY GRAHAM,

Defendants.

ORDER DISMISSING DEFENDANT QUINCY GRAHAM'S
MOTION TO SUPPRESS AS MOOT [DOC. 579] AND
GRANTING GOVERNMENT'S MOTION TO DISMISS COUNT 34
OF THE FOURTH SUPERSEDING INDICTMENT [DOC. 668]

This matter is before the court on defendant Quincy Graham's motion to suppress a firearm and marijuana seized during a search of the vehicle in which the defendant was found in the driver's seat on August 11, 2013. Defendant seeks to strike Overt Act 52 and dismiss Count 34 of the Fourth Superseding Indictment, pursuant to Crim. R. 12(b)(3)(C), the Fourth Amendment, and the Equal Protection Clause of the United States Constitution. The government filed a motion to dismiss Count 34 of the Fourth Superseding Indictment, indicating that it would also strike Overt Act 52 at trial.

The parties appeared before the court on September 7, 2017 and at that hearing the court granted the government's motion to dismiss Count 34 and dismissed defendant's motion to suppress as moot. Now, therefore, for the reasons stated on the record,

IT IS HEREBY ORDERED that defendant Graham's Motion to Suppress is DENIED as MOOT.

IT IS HEREBY FURTHER ORDERED that the government's Motion to Dismiss Count 34 of the Fourth Superseding Indictment and Strike Overt Act 52 is GRANTED.

Dated: October 3, 2017

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on October 3, 2017, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk